

EXECUTIVE SECRETARIAT
ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR		X		
4	D/ICS				
5	DDI		X		
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC		X		
11	IG				
12	Compt	(2)	PLD TO 1000 11184-911484		
13	D/Pers				
14	D/OLL				
15	D/PAO				
16	SA/IA				
17	AO/DCI				
18	C/IPD/OIS				
19					
20					
21					
22					
SUSPENSE		Date			

Remarks

D/ Executive Secretary
 7 September 1984

Date

3637 (10-81)

THE WHITE HOUSE

WASHINGTON

Executive Registry

84-6121

September 6, 1984

MEMORANDUM FOR ALL WHITE HOUSE STAFF

FROM: FRED F. FIELDING ~~✓~~ ~~✓~~

COUNSEL TO THE PRESIDENT

SUBJECT: Preparation of Briefing Materials for
Use by the President in Candidate Debates

It is very likely that the President will debate the Democratic Presidential nominee, Walter Mondale, sometime during the 1984 general election period. The purpose of this memorandum is to advise you of the legal and policy limitations on your activities in preparation of the briefing materials for the President's use in such debate.

As everyone should be aware by now, only those Government employees paid from the appropriations for the White House Office, or appointed to their current positions by the President with the advice and consent of the Senate, may engage in partisan political activity. All others are subject to the Hatch Act, 5 U.S.C. §§ 7321 - 7327, and are precluded from engaging in partisan political activity. Thus, most employees of the Office of Policy Development, the National Security Council, the Council of Economic Advisers, the Office of Management and Budget, and all other Executive departments and agencies are subject to the Hatch Act.

The Special Counsel of the Merit Systems Protection Board has taken the position that "hatched" employees may not write or prepare any materials that will be used only for political purposes. Such employees may, however, prepare briefing materials on official Administration policies and proposals for use by Administration officials, even when such materials might be included in partisan political statements. Moreover, the Special Counsel has stated that although "hatched" employees may not prepare responses to candidate questionnaires sent to the President, they may review such responses (as prepared by campaign or non-hatched Administration officials) for consistency with Administration positions and policies.

Accordingly, this Administration will observe the following guidelines in the preparation of briefing materials for use by the President in a candidate debate:

1. Individuals or offices may be requested to prepare background or briefing materials for use in the Presidential debates only by the following people: James A. Baker, III, Richard G. Darman, Michael Baroody, and Robert Sims.

REG
EX-REG
DCI

K-299

-2-

2. No Reagan-Bush '84 officials shall request White House or other government employees to prepare briefing materials for use in the Presidential debates; Reagan-Bush '84 officials may forward materials prepared by them to the White House through the office of Richard Darman.
3. Briefing materials specially prepared for use by the President in a candidate debate shall not be composed or typed by government employees subject to the Hatch Act; however, such employees may review briefing materials in their areas of expertise for consistency with Administration policies or positions.
4. Hatched employees may continue to prepare (i.e., compose and/or type) statements of Administration position and policy for use by "non-hatched" Administration officials.

cc: Margaret D. Tutwiler (for transmittal to Reagan-Bush '84)
Members of the Cabinet